

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAVID GERKE,

Plaintiff,

v.

KOENECKE EQUIPMENT, INC.,

Defendant.

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ORDER

09-cv-59-bbc

A hearing was held on April 29, 2009, before United States District Judge Barbara B. Crabb on defendant's motion to vacate the default judgment in this case and to allow it to file an amended answer. Plaintiff appeared in person and with counsel, Aaron Halstead. Defendant Koenecke Equipment, Inc., appeared by Gary Antoniewicz. Also present was Curt Koenecke.

After hearing argument, I granted defendant's motion to set aside the default judgment and file an amended answer. Although Curt Koenecke was not diligent in reading the documents served on him by plaintiff and sent to him by the court, his quick action once he realized that the order of default was to be entered and the possibility that the company has meritorious defenses to plaintiff's suit persuade me that the default judgment should be

vacated and that defendant should be allowed to file an amended answer.

ORDER

IT IS ORDERED that defendant Koenecke Equipment, Inc.'s motion to set aside the default judgment entered in this case on March 23, 2009, and to file an amended answer is GRANTED.

Entered this 30th day of April, 2009.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge